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ADOPTION OF THE RULES OF PROCEDURE

Provisional rules of procedure of the Conference

Prepared by the secretariats of UNCTAD and IMO

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I. REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Conference shall consist of a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Alternates and advisers

Rule 2

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Submission of credentials

Rule 3

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General, if possible not less than one week before the date fixed for the opening of the Conference. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs or by the Permanent Mission to the United Nations of the State at the location of the Conference.

Credentials Committee

Rule 4

A Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its most recent session. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation in the Conference

Rule 5

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Elections

Rule 6

The Conference shall elect from among the representatives of participating States the following officers: a President (seven), Vice-Presidents and a Rapporteur-General, as well as a Chairman for each of the Main Committees established in accordance with rule 46. These officers shall be elected in such a way as to ensure equitable geographical distribution in the General Committee.

General powers of the President

Rule 7

1. The President, in the exercise of his functions, remains under the authority of the Conference.

2. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each meeting, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, such decisions as the Conference may make from time to time, and shall have control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or closure of the debate and the suspension or the adjournment of a meeting.

Acting President

Rule 8

1. If the President is absent from a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 9

If the President is unable to perform his functions, a new President shall be elected.

Voting rights of the President

Rule 10

The President, or a Vice-President acting as President, shall not vote in the Conference, but may appoint another member of his delegation to vote in his place.

III. GENERAL COMMITTEE

Composition

Rule 11

1. The President, the Vice-Presidents, the Rapporteur-General and the Chairmen of the Main Committee shall constitute the General Committee. The President, or in his absence one of the Vice-Presidents designated by him, shall serve as Chairman of the General Committee.

2. The Chairman of the Credentials Committee and other committees established by the Conference in accordance with rule 48 may participate, without the right to vote, in the General Committee.

Substitute members

Rule 12

If the President or a Vice-President of the Conference is to be absent during a meeting of the General Committee, he may designate a member of his delegation to sit and vote in the Committee. In the case of absence, the Chairman of a Main Committee shall designate the Vice-Chairman of that Committee as his substitute. When serving on the General Committee, the Vice-Chairman of a Main Committee shall not have the right to vote if he/she is, exceptionally and without prejudice to the principle of equitable geographical distribution, of the same delegation as another member of the General Committee.

Functions

Rule 13

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

IV. SECRETARIAT OF THE CONFERENCE

Secretariat

Rule 14

1. The Secretaries-General, the Executive Secretary of the Conference, the Deputy Executive Secretary of the Conference and the Secretary and

Deputy Secretary of the Conference shall act in their respective capacity in all meetings of the Conference and its subsidiary organs.

2. The staff required by the Conference and its Committees shall be provided by the United Nations and the International Maritime Organization. The Secretaries-General and the Executive Secretary shall direct the staff required by the Conference.

Duties of the secretariat

Rule 15

The secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate, reproduce and circulate the documents of the Conference;

(c) Publish and circulate the official documents of the Conference;

(d) Prepare and circulate records of public meetings;

(e) Make and arrange for the keeping of sound recordings;

(f) Arrange for the custody and preservation of the documents of the Conference in the archives of the United Nations; and

(g) Generally perform all other work that the Conference may require.

Statements by the secretariat

Rule 16

The Secretaries-General, the Executive Secretary, or any member of their secretariat designated for that purpose, may, at any time, make either oral or written statements concerning any question under consideration.

V. OPENING OF THE CONFERENCE

Temporary President

Rule 17

The Secretary-General of the United Nations or any official designated by him shall open the first meeting of the Conference and preside until the Conference has elected its President.

Decisions concerning organization

Rule 18

The Conference shall, to the extent possible, at its first meeting:

(a) Adopt its rules of procedure;

(b) Elect its officers and constitute its subsidiary organs;

(c) Adopt its agenda, the draft of which shall until such adoption be the provisional agenda of the Conference;

(d) Decide on the organization of its work.

VI. CONDUCT OF BUSINESS

Quorum

Rule 19

The President may declare a meeting open and permit the debate to proceed when the representatives of at least one third of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

Speeches

Rule 20

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 21, 22 and 25 to 27, the President shall call upon speakers in the order in which they indicate their desire to speak. The secretariat shall be in charge of drawing up a list of speakers.

2. Debate shall be confined to the question before the Conference and the President may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Conference may limit the time allowed to each speaker and the number of times each participant may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, with the consent of the Conference, the President shall limit each intervention on procedural matters to five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Points of order

Rule 21

During the discussion of any matter, a representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Precedence

Rule 22

The Chairman or Rapporteur of a Main Committee, or the representative of a subcommittee or working group, may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned.

Closing of the list of speakers

Rule 23

During the course of a debate, the President may read out the list of speakers and, with the consent of the Conference, declare the list closed.

Right of reply

Rule 24

1. Notwithstanding rule 23, the President shall accord the right of reply to a representative of any State participating in the Conference who requests it. Any other representative may be granted the opportunity to make a reply.

2. The statements made under this rule shall normally be made at the end of the last meeting of the day, or at the conclusion of the consideration of the relevant item if that is sooner.

3. The representatives of a State may make no more than two statements under this rule at a given meeting on any item. The first shall be limited to five minutes and the second to three minutes; representatives shall in any event attempt to be as brief as possible.

Adjournment of debate

Rule 25

A representative may at any time move the adjournment of the debate on the item under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment, after which the motion shall, subject to rule 28, be put to the vote immediately.

Closure of debate

Rule 26

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to role 28, be immediately put to the vote.

Suspension or adjournment of the meeting

Rule 27

Subject to rule 38, a representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 28, be immediately put to the vote.

Order of motions

Rule 28

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Basic proposals

Rule 29

The draft articles for a Convention on arrest of ships, including provisions on final clauses, contained in document JIGE(IX)/5-TD/B/IGE.1/5-LEG/MLM/42, shall constitute the basic proposal before the Conference.

Submission of proposals and substantive amendments

Rule 30

Proposals and substantive amendments shall normally be submitted in writing to the Conference secretariat, which shall circulate copies to all delegations. Unless the Conference decides otherwise, substantive proposals shall be discussed or put to a vote no earlier than twenty-four hours after copies have been circulated in all languages of the Conference to all

delegations. The President may, however, permit the discussion and consideration of amendments even though these amendments have not been circulated or have only been circulated the same day.

Withdrawal of proposals and motions

Rule 31

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 32

Subject to rule 28, any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Reconsideration of proposals

Rule 33

When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

VII. DECISION-MAKING

General agreement

Rule 34

The Conference shall make its best endeavours to ensure that the work of the Conference is accomplished by general agreement.

Voting rights

Rule 35

Each State participating in the Conference shall have one vote.

Majority required

Rule 36

1. Subject to rule 34, decisions of the Plenary of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Except as otherwise provided in these rules, decisions of the Plenary of the Conference on all matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, it shall be decided by the Conference by a majority of the representatives present and voting.

4. If a vote is equally divided on a decision requiring a majority of the representatives present and voting, the proposal of motion shall be regarded as rejected.

5. For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Method of voting

Rule 37

1. Except as provided in rule 44, the Conference shall normally vote by show of hands, except that a representative may request a roll-call, which shall then be taken in the French alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each State shall be called in all roll-calls, and its representatives shall reply "yes", "no" or "abstention".

2. The vote of each State participating in a roll-call shall be inserted in the report of the Conference.

Conduct during voting

Rule 38

After the President has announced the commencement of the voting, no representative shall interrupt the voting until the result of the vote has been announced, except on a point of order in connection with the process of voting.

Explanation of vote or position

Rule 39

1. Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

2. When the same matter is considered successively in several bodies of the Conference, the representatives of States should, as far as possible, explain their votes in one such body, unless these votes differ.

3. Similarly, explanatory statements of position may be made in connection with a decision taken without a vote.

Division of proposals

Rule 40

A representative may move that parts of a proposal be voted on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the Conference for decision as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Amendments

Rule 41

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 42

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment further removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Order of voting on proposals

Rule 43

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall be put to the vote before a decision is taken on that proposal.

Elections

Rule 44

All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot when there is an agreed candidate or slate of candidates.

Rule 45

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

VIII. SUBSIDIARY BODIES

Main Committees

Rule 46

The Conference may establish Main Committees as required which may set up subcommittees or working groups.

Representation on the Main Committees

Rule 47

Each State participating in the Conference may be represented by one representative on each Main Committee established by the Conference. It may assign to these Committees such alternate representatives and advisers as may be required.

Other committees and working groups

Rule 48

1. In addition to the committees referred to above, the Conference may establish such committees and working groups as it deems necessary for the performance of its functions.

2. Each committee may set up subcommittees and working groups.

Officers

Rule 49

Except as otherwise provided in rule 6, each committee, subcommittee and working group shall elect its own officers.

Quorum

Rule 50

1. The Chairman of a Main Committee may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

2. A majority of the representatives of the General or Credentials Committee or of any committee, subcommittee or working group shall constitute a quorum.

Officers, conduct of business and voting

Rule 51

The rules contained in chapters II, (except rule 19) and VII above shall be applicable, mutatis mutandis, to the proceedings of committees, subcommittees and working groups, except that:

(a) The Chairmen of the Credentials Committee, the Main Committees, other committees, subcommittees and working groups may exercise the right to vote; and

(b) Decisions of the Main Committees, other committees, subcommittees and working groups shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal or an amendment shall require the majority established by rule 33.

IX. LANGUAGES AND RECORDS

Languages of the Conference

Rule 52

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Interpretation

Rule 53

1. Speeches made in a language of the Conference shall be interpreted into the other languages of the Conference.

2. A representative may speak in a language other than a language of the Conference if the delegation concerned provides for interpretation into one of the languages of the Conference. Interpretation into the other languages of the Conference by the interpreters of the secretariat may be based on the interpretation in the first such language.

Languages of official documents

Rule 54

Official documents of the Conference shall be circulated in the languages of the Conference.

Records and reports

Rule 55

1. There shall be neither verbatim or summary records of meetings.

2. The Conference may adopt a report on its proceedings.

Sound recordings of meetings

Rule 56

Sound recordings of meetings of the Conference and of any Main Committee and of the General Committee shall be made and kept in accordance with the practice of the United Nations. No such recordings shall be made of the meetings of other committees or working groups unless otherwise decided by the Conference or the Main Committee concerned.

X. PUBLIC AND PRIVATE MEETINGS

General principles

Rule 57

The plenary meetings of the Conference shall be held in public unless the Conference decides otherwise. All decisions taken by the Plenary of the Conference at a private meeting shall be announced at a public meeting of the Plenary early thereafter.

Rule 58

The meetings of the subsidiary bodies of the Conference shall be held in private, unless the Conference or the subsidiary body concerned decides otherwise.

Communiqués on private meetings

Rule 59

At the close of a private meeting, the presiding officer of the organ concerned may issue a communiqué through the secretariat of the Conference.

XI. OTHER PARTICIPANTS AND OBSERVERS

States

Rule 60

States may choose to participate in the Conference as observers. Delegations of States participating as observers shall not have the right to vote.

Associate members of the International Maritime Organization

Rule 61

Representatives of the Associate Members of the International Maritime Organization may participate, without the right to vote, in the deliberations of the Conference, its committees and other subsidiary bodies.

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices

Rule 62

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under its auspices have the right to participate as observers, without the right to vote, in the deliberations of the Conference, and, as appropriate, any committee or working group.

Representatives of the specialized and related agencies

Rule 63

Representatives designated by the specialized and related agencies may participate as observers, without the right to vote, in the deliberations of the Conference, and, as appropriate, any committee or working group on questions within the scope of their activities.

Representatives of other intergovernmental organizations

Rule 64

Representatives designated by other intergovernmental organizations invited to the Conference may participate as observers, without the right to vote, in the deliberation so the Conference, and, as appropriate, any committee or working group on questions within the scope of their activities.

Representatives of interested United Nations organs

Rule 65

Representatives designated by interested organs of the United Nations may participate as observers, without the right to vote, in the deliberations of the Conference, and, as appropriate, any committee or working group on questions within the scope of their activities.

Representatives of non-governmental organizations

Rule 66

Non-governmental organizations invited to the Conference may designate representatives to participate as observers, without the right to vote, in the Conference, and, as appropriate, any of the committees or working groups, on questions within the scope of their activities.

Written statements

Rule 67

Written statements related to the work of the Conference, submitted by the designated representatives referred to in rules 62 to 66 shall be distributed by the secretariat to all delegations in the quantities and in the language in which the statements are made available to it, provided that a statement submitted on behalf of a non-governmental organization is related to the work of the Conference and is on a subject in which the organization has a special competence.

XII. SUSPENSION AND AMENDMENT OF THE RULES OF PROCEDURE

Method of suspension

Rule 68

Any of these rules may be suspended by the Conference provided that twenty-four hours' notice of the proposal for the suspension has been given which may be waived if no representative objects; subsidiary bodies may by unanimous consent waive rules pertaining to them. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

Method of amendment

Rule 69

These rules of procedure may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting, after the General Committee has reported on the proposed amendment.